

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICROSOFT CORPORATION,)	CASE NO. 3:05-CV-7467
)	
Plaintiff)	JUDGE JAMES G. CARR
)	
vs.)	<u>STIPULATED PERMANENT</u>
)	<u>INJUNCTION AGAINST</u>
AUCTION HUT, LLC, et al.,)	<u>DEFENDANTS;</u>
)	<u>ORDER</u>
Defendants)	

Plaintiff Microsoft Corporation (“Microsoft”), and Defendants Auction Hut, LLC and Hyek H. Chung a/k/a Corey Chung, an individual and d/b/a “Auction Hut, LLC” (collectively, “Defendants”), hereby stipulate that Defendants along with their directors, principals, officers, members, agents, servants, employees, representatives, successors and assigns, and all those acting in concert or participation with them shall be, and hereby are, PERMANENTLY ENJOINED and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, certificates of authenticity (“COA”), end user license agreements (“EULA”) or items protected by Microsoft’s registered trademarks and service mark, including, but not limited to, the following Trademark and/or Service Mark Registration Numbers:

- (1) 1,200,236 (“MICROSOFT”);
- (2) 1,256,083 (“MICROSOFT”);

- (3) 1,872,264 (“WINDOWS”);
- (4) 1,815,350 (COLORED WINDOWS LOGO);
- (5) 1,816,354 (WINDOWS FLAG LOGO);
- (6) 2,744,843 (COLORED FLAG DESIGN);
- (7) 1,475,795 (“POWERPOINT”);
- (8) 1,741,086 (“MICROSOFT ACCESS”); and
- (9) 2,188,125 (“OUTLOOK”);

or software programs, components, COA, EULA, items or things protected by the following
Certificate of Copyright Registration Nos.:

- (1) TX 5-407-055 (“Windows XP Professional”);
- (2) TX 5-837-617 (“Office Professional Edition 2003”);
- (3) TX 5-837-636 (“Office Excel 2003”);
- (4) TX 5-900-087 (“Office Outlook 2003”);
- (5) TX 5-852-649 (“Office PowerPoint 2003”);
- (6) TX 5-837-618 (“Publisher 2003”); and
- (7) TX 5-900-088 (“Office Word 2003”);

or any other works now or hereafter protected by any of Microsoft’s trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, COA, EULA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft’s registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, COA, EULA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, COA, EULA, item, or thing has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof of any of Microsoft's copyright and/or trademark-protected software programs in any of Defendant's trade or corporate names;

(f) engaging in any other activity constituting an illegal distribution of any Microsoft software, component, COA, EULA, item, or thing and/or infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights; and

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(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

IT IS SO STIPULATED.


DATED: March 20, 2007

Plaintiff Microsoft Corporation



By: Tom Rubin

DATED: March 9th, 2007


Defendant Auction Hut, LLC


By: Hyek H. Chung, a/k/a Corey Chung


DATED: March 9th, 2007


Defendant Hyek H. Chung, a/k/a Corey Chung,
an individual and d/b/a Auction Hut, LLC

Approved as to form:


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One of the Attorneys for Defendants

ORDER

IT IS SO ORDERED.

/s/ James G. Carr


JAMES G. CARR
UNITED STATES DISTRICT JUDGE

Dated: March 27, 2007